

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

W.A. DREW EDMONDSON, in his capacity as)	
ATTORNEY GENERAL OF THE STATE OF)	
OKLAHOMA, et al.,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 05-CV-0329-TCK-SAJ
)	
TYSON FOODS, INC., et al.,)	
)	
Defendants,)	
)	
TYSON FOODS, INC., et al.,)	
)	
Third-Party Plaintiffs,)	
)	
v.)	
)	
CITY OF TAHLEQUAH, et al.,)	
)	
Third-Party Defendants.)	

**UNOPPOSED MOTION BY ADDITIONAL MEMBERS OF THE BERRY GROUP
FOR ENLARGEMENT OF TIME TO RESPOND TO THIRD-PARTY COMPLAINT**

Pursuant to Fed.R.Civ.P. 7(b) and Local Civil Rule 7.1(g), the Third-Party Defendants who are identified herein, additional members of a group of Third-Party Defendants who are being collectively referred to as “The Berry Group,” request that this Court issue an Order granting them an enlargement of time during which they must respond to the Third-Party Complaint (Dkt. #80). Counsel for The Berry Group has conferred with designated counsel for the Third-Party Plaintiffs, who has authorized moving counsel to advise the Court that the Third-Party Plaintiffs do not object to the relief requested herein. Third-Party Plaintiffs have agreed that the current members of The Berry Group may have until May 8, 2006, if necessary, to respond to the Third-Party Complaint.

1. This motion is filed on behalf of the following Third-Party Defendants:

<u>3rd Party Def. #</u>	<u>Third-Party Defendant</u>
80	Williams, Perry
80	Williams, Norma
81	Twin City Construction, Inc.

2. The forgoing members of The Berry Group of Third-Party Defendants have received suit papers at various times under various circumstances. The earliest day by which any of the forgoing members of The Berry Group is currently required to respond to the Third-Party Complaint is today, April 7, 2006.

3. In the interest of coordination and efficiency among all parties and judicial economy, current members of The Berry Group request that the deadline for them to respond to Third-Party Complaint be extended until May 8, 2006.

4. This is the first request for an extension of time sought by these members of The Berry Group, and it is sought in good faith and not for the purpose of delay. Counsel for The Berry Group need additional time within which to complete their review and investigation of Third-Party Plaintiffs' claims, to confer with client representatives, and to prepare and file appropriate responses. Members of the Berry Group reserve all defenses, including any deficiencies in the service of process.

5. This action is not presently set for trial and therefore granting this Motion will not delay or adversely affect any trial date.

WHEREFORE, the above named members of The Berry Group of Third-Party Defendants request that this Court allow them until May 8, 2006 to file their responsive pleadings to the Third-Party Complaint.

Respectfully submitted,

s/R. Jack Freeman

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CERTIFICATE OF SERVICE

I hereby certify that on the 7th day of April 2006, I electronically transmitted the foregoing Unopposed Motion By Additional Members of The Berry Group for Enlargement of Time to Respond to Third-Party Complaint using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

Jo Nan Allen
Frederick C Baker
Tim Keith Baker
Vicki Bronson
Paula M Buchwald
Louis Werner Bullock
W A Drew Edmondson
Delmar R Ehrich
John R Elrod
Bruce Wayne Freeman
Richard T Garren
Dorothy Sharon Gentry
Robert W George
James Martin Graves
Robert Park Medearis, Jr
James Randall Miller
Robert Allen Nance
George W Owens
David Phillip Page
Marcus N Ratcliff
Robert Paul Redemann
Melvin David Riggs
Randall Eugene Rose
Patrick Michael Ryan
Robert E Sanders
David Charles Senger
Colin Hampton Tucker
John H Tucker

Thomas James Grever
Jennifer Stockton Griffin
John Trevor Hammons
Michael Todd Hembree
Theresa Noble Hill
Philip D Hixon
Mark D Hopson
Kelly S Hunter Burch
Stephen L Jantzen
Bruce Jones
Jay Thomas Jorgensen
Raymond Thomas Lay
Nicole Marie Longwell
Archer Scott McDaniel
Kenneth Edward Wagner
Elizabeth C Ward
Sharon K Weaver
Timothy K Webster
Gary V Weeks
Adam Scott Weintraub
Terry Wayen West
Edwin Stephen Williams
Douglas Allen Wilson
Lawrence W Zeringue
Linda Martin
Chris A. Paul
J. Ron Wright

I hereby certify that on the 7th day of April 2006, I served the same document by U.S. Postal Service on the following who are not registered participants of the ECF System:

Thomas C. Green
Sidley Austin Brown & Wood LLP
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Secretary of the Environment
State of Oklahoma
3800 North Classen
Oklahoma City, OK 73118

C Miles Tolbert

William H Narwold
Motley Rice LLC (Hartford)
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Date: April 7, 2006

s/R. Jack Freeman
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